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**UNITED STATES BANKRUPTCY COURT
IN THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re: Barbara Hampton

§ **Case No. 18-51310-cag
(Chapter 13)**

**Carvana, LLC, their successors and/or
assigns, Creditor**

§
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§
§

vs.

**Barbara Hampton, Debtor and Mary K.
Viegelahn, Trustee,
Respondents**

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OBJECTION TO CONFIRMATION BY Carvana, LLC

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Carvana, LLC (hereinafter Creditor), a secured creditor herein, and pursuant to 11 U.S.C. §§ 1322(b)(2), 1324 and 1325(a)(5), and Bankruptcy Rule 3015(f) files this, its Objection to Debtor(s) proposed Chapter 13 Plan (hereinafter Plan), and in support thereof would respectfully show the Court as follows:

I. BACKGROUND

1. Barbara Hampton, the Debtor(s) (hereinafter Debtor), commenced the above captioned Chapter 13 case on 06/04/2018. Mary K. Viegelahn is the duly appointed and acting Chapter 13 Trustee.

2. Creditor has a perfected security interest in a 2016 Ford Fiesta, vehicle identification number 3FADP4BJ7FM191695. As of the date of filing, Creditor was owed \$11,157.06.

II. OBJECTION TO PROPOSED PLAN

3. Creditor objects to confirmation of the Plan because the Plan fails to indicate the correct amount of interest. The plan lists the interest amount as 5.20% whereas the true interest rate is 10.96000%. Creditor is entitled to an interest rate that is equal to prime at confirmation increased by an additional risk factor which is reflective of the risk of non-payment and interest is payable immediately once the Plan is confirmed. Creditor therefore objects to debtor(s) proposed treatment of its secured claim.

4. Because Creditor was forced to file this Objection to Confirmation to protect its secured interest in the subject real property, it has incurred reasonable attorneys' fees.

WHEREFORE, PREMISES CONSIDERED, Creditor prays that this Court deny confirmation of the Plan proposed by the Debtor(s), award attorneys' fees and costs, and grant Creditor such other and further relief, at law and in equity, as is just.

Respectfully submitted,

MACKIE WOLF ZIENTZ & MANN, P.C.

/s/ Stephen Wu
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ATTORNEY FOR CREDITOR

Certificate of Service

I, Stephen Wu, do hereby certify on June 14, 2018, a copy of this motion was served on the persons listed below in the manner indicated.

/s/ Stephen Wu
Stephen Wu
Movant's Counsel

Via Pre-Paid U.S. Mail:

BARBARA HAMPTON
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Debtor(s)

Via ECF:
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